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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: NUCLEASE INHIBITOR COCKTAIL
 Appl. No.: 10/675,860
 Applicant: Kudlicki *et al.*
 Filed: September 30, 2003
 Art Unit: 1634
 Examiner: Whisenant, Ethan C.
 Docket No.: AMBI:052USC1

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 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 273-8300 on the date below:

March 29, 2006

Date Michael R. Krawzowek

RESPONSE TO THE NOTICE OF
 NON-COMPLIANT AMENDMENT MAILED MARCH 15, 2006

MAIL STOP AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants submit this response to the Notice of Non-Compliant Amendment mailed March 15, 2006, in the above case.

Amendments to the Claims are reflected in the listing of claims which begins on page 2.

Remarks begin on page 10.

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and 69 (emphasis added). Again, Devaux *et al.* appear to concern “[m]ixtures of five inactivating Mabs” and not Applicants’ claimed combination of “a soluble anti-nuclease antibody” and “a non-antibody nuclease inhibitor.”

Because Devaux *et al* fails to disclose every element of Applicants’ claimed invention, the anticipation rejection cannot be maintained. *Telemac Cellular Corp. v. Topp Telecom, Inc.*, 247 F.3d at 1327. Applicants therefore request that the rejection of claims 51-54, 57-58, 59, 64, 68-69, 71-73, and 75-77 under 35 U.S.C. § 102(b) as being anticipated by Devaux *et al.* be withdrawn.

C. The Double Patenting Rejections Are Overcome

There are two separate obviousness-type double patenting rejections: (1) claims 51-79 as being unpatentable over claims 1-33 of U.S. Patent No. 6,664,379; and (2) claims 51-79 as being provisionally unpatentable over claims 1-82 of U.S. Patent Application No. 10/786,875. Applicants are filing the appropriate terminal disclaimers along with the present response. In view of this, the obviousness-type double patenting rejections are overcome and should be withdrawn.

D. Conclusion

Applicants believe that this document is a complete response to the Office Action mailed on December 5, 2005. The present claims are in a condition for allowance and such favorable action is requested.

The Commissioner is hereby authorized to deduct any fees required by 37 C.F.R. §§ 1.116 to 1.21 as a result of the filing of this paper, including the terminal disclaimer fees required by 37 C.F.R. § 1.20(d), from Fulbright & Jaworski Deposit Account No. 50-1212/AMBI:052USC1.

The Examiner is requested to contact Applicant's representative at (512) 536-3035 with any questions or comments concerning this application.

Respectfully submitted,



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Date: March 1, 2006